

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

DAVID E. MACK,
Plaintiff,

vs.

I.C. SYSTEM, INC.,
Defendant.

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§
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CAUSE NO. 4:13-CV-615

AFFIDAVIT OF CAROL LABS

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE ME, the undersigned authority, on this day personally appeared Carol Labs, known to me to be the person whose name is subscribed on this instrument and, having been first duly sworn, upon her oath deposes and states as follows:

1. My name is Carol Labs. I am the Legal Affairs Supervisor for I.C. System, Inc. I am over the age of eighteen (18) years, have never been convicted of a felony or a misdemeanor of moral turpitude and am fully competent and qualified to make this Affidavit. I have personal knowledge of all of the facts set forth in this Affidavit and all facts and statements contained herein are true and correct of my own personal knowledge.

2. I.C. System, Inc. is a debt collection agency located in St. Paul, Minnesota. I.C. System, Inc. collects consumer debts for clients.

3. I am custodian of records maintained at I.C. System, Inc.

4. I.C. System, Inc. tracks each telephone call and attempted call it makes to consumers and provides a description as to whether contact was made or whether a voice message was left.

AFFIDAVIT - CAROL LABS

DefApps0001

5. These documents are kept in the regular course of business, and it is the regular course of our business, with knowledge of the act, event, condition, or opinion to make the record or to transmit information thereof to be included in this record; and the record was made at or near the time or reasonably soon thereafter.

6. I performed a search of our accounts. There were no results found for David Mack or for the telephone number 313-421-1887.

7. I.C. System, Inc. attempts to collect debts by calling the telephone numbers it has in its account notes.

8. I.C. System, Inc.'s account notes reflect that I.C. System, Inc. never contacted or attempted to contact the telephone number 313-421-1887.

9. I.C. System, Inc. has no account with Plaintiff David Mack.

10. I.C. System, Inc. did not place any telephone calls to Plaintiff for the purposes of harassment.

11. I.C. System, Inc. does not use an automated telephone dialing system ("ATDS") or a predictive dialer as defined by the TCPA.

12. The system I.C. System, Inc. uses does not employ equipment that has the capacity to store or produce telephone numbers to be called using a random or sequential number generator. Further, it does not employ a random or sequential number generator.

13. The system I.C. System, Inc. uses to call cell phones does not employ an artificial or prerecorded voice.

Signature: Carol Labs

Name: Carol Labs

Title: Legal Affairs Supervisor

SWORN TO AND SUBSCRIBED before me, a Notary Public, on this the 5th day of

May, 2014.

Christine Leick



Options

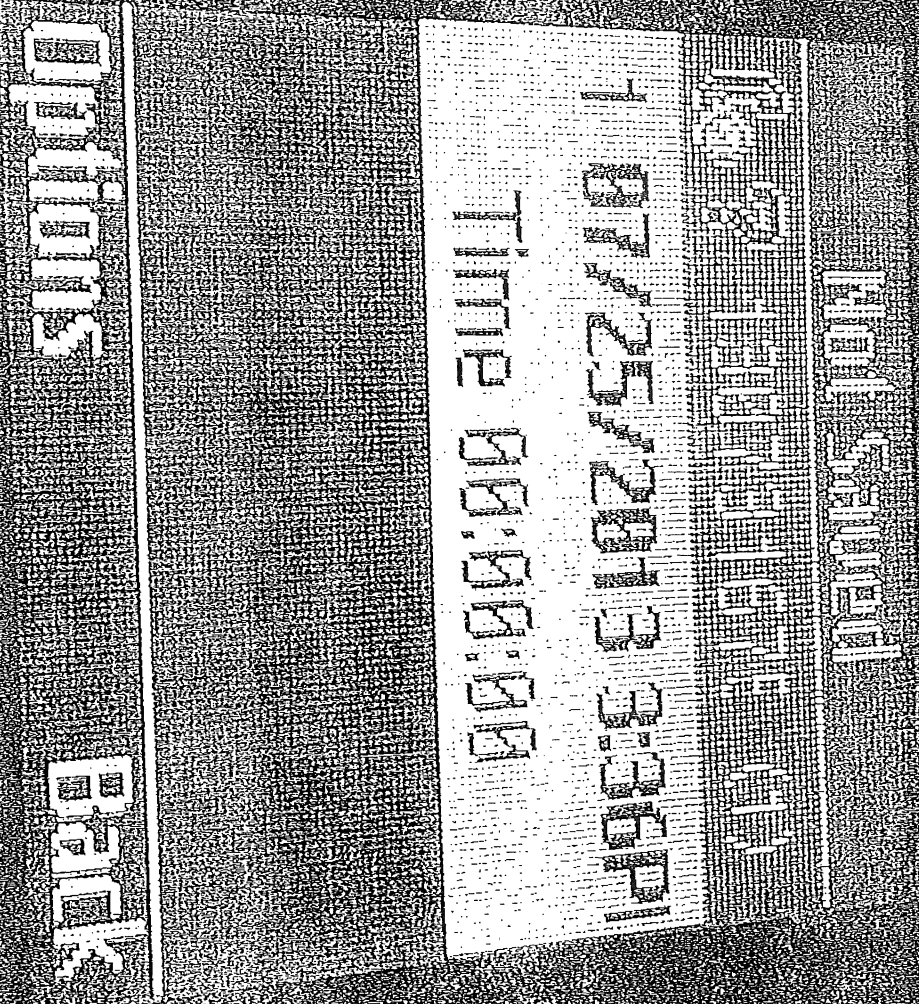
Back

THE
TIME
IS
NOW

WILL
SAY
IT

1/12

DefApps0004



2/12

DefApps0005

NOT SCHEDULED
COURT REPORTER
2:15 PM
TIME 8:00:00
OPTIONAL BACK

21/3

DefApps0006

Not Saved
06/02/2013 11:53 AM
1 06/02/2013 11:53 AM
Time 00:00:00
2 06/02/2013 11:53 AM
Options Back

4/12

DefApps0007

Not Sealed
RECEIVED
JUN 13 2013 7:53 PM
U.S. DISTRICT COURT
District of Columbia
Back

5/12

DefApps0008

OPTIONAL

DEFENDANT

2011-12-13 1:53 PM

THE 00:00:00

42813 1453M

12/13/11 1:53 PM

12/13/11 1:53 PM

6/12

DefApps0009

Options

Back

2 09:13:20 13 7:53 PM

1 14:20:13 7:46 PM
Time 08:28:06

Not Saved

DefApps0010

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THE CELL PHONE THAT PUTS YOU IN CONTROL

Search TracFone

go to account summary

sign out

español

NO BILLS

NO CONTRACTS

NO SURPRISES

YOU'RE IN CONTROL

ACTIVATE /
REACTIVATE PHONE

BUY AIRTIME

REFILL

BUY PHONES AND
MORETRACFONE
PROGRAMSSERVICE &
SUPPORT

ADD AIRTIME

Welcome Mack20011

Sun Jul 14 22:38:07 EDT 2013

Enter Airtime PIN

Transaction Summary

THANK YOU FOR ADDING AIRTIME WITH US!

Next Steps:

- Please KEEP YOUR TRACFONE ON at all times. It will be automatically updated within 24 hours.
- Remember to Add Minutes to your TRACFONE BEFORE your Paid Through Date to avoid loss of service!

Order Summary

Phone Number (313) 421-1887

New Service End Date 10/14/2013

Minutes 120

Service Days 90

Did you know that you can Add Airtime directly from your TracFone? [Learn More](#)

Apps & More

Get the hottest tones and apps now. Access the Apps & More Store.

[Go to Apps & More](#)

Airtime On demand

Did you know that you can Add Airtime directly from your TracFone?

[Learn More](#)

¹ Tax and charge/fee amounts are estimated based on the home area for your phone. If your address is in a different city and zip code, the actual tax and charge/fee amounts will be based on your address information, so the amounts may vary from the original estimate.

² A fee, charge, or surcharge to fund state and/or local E911 related programs imposed by law on prepaid wireless users or assessed by us to recover its cost of complying with E911 laws and regulations, and, in California, to fund California Public Purpose Programs and User Fees to the CPUC.

³ This amount is to help recover our contribution requirement to federal universal service.

⁴ This amount is to help recover our costs related to complying with government regulations and programs.

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DefApps0011

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DefApps0012

David Mack cell phone

Recent Calls	
1313401...	(1)
1212888...	(1)
12128878...	(2)
307316752	(1)
1313421...	(2)
Options	Back

10/12

DefApps0013

David Mack cell phone 313-421-1387

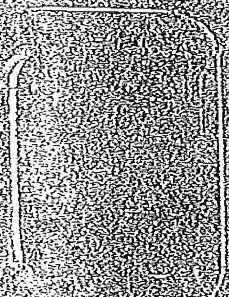
Regent Calls	1
☎ 2 1313481...	(4)
☎ 2 1202888...	(4)
☎ 2 702870589	(2)
☎ 2 1307316...	(4)
☎ 2 1313421...	(2)
Options	Back

DefApps0014

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David Mack Cell Phone

Recent Calls	
1313481	(1)
1282888	(1)
28705891	(2)
1307316	(1)
1313421	(2)
Options Back	



12/12

DefApps0015